



PRESENT:

Dr. William P. Brown, Chairman
Dr. Edgar V. Wallin, Vice-Chairman
Mr. J. Dale Patton
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ABSENT:

Mr. Russell Gulley

ALSO PRESENT:

Mr. Robert Eanes, Assistant to the County Administrator,
Community Development
Mr. William D. Dupler, Deputy County Administrator,
County Administration
Mr. Carl D. Schlautdt, Planning Manager,
Community Development
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Mr. Steven F. Haasch, Planning Manager,
Plans and Information Section, Planning Department
Ms. Bonnie L. Perdue, Clerk to the Commission,
Plans and Information Section, Planning Department
Ms. Stacy Taffer, Administrative Manager,
Plans and Information Section, Planning Department
Ms. Erica Hess, Administrative Assistant,
Plans and Information Section, Planning Department
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Ms. Jane Peterson, Planning and Special Projects Manager,
Development Review Section, Planning Department
Mr. Robert Clay, Planning and Special Projects Manager,
Development Review Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Development Review Section, Planning Department
Mr. Ray Cash, Senior Planner,
Development Review Section, Planning Department
Mr. Ryan Ramsey, Senior Planner,
Development Review Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,

Development Review Section, Planning Department
Mr. Jim Banks, Assistant Director
Transportation Department
Mr. Scott Smedley, Director
Environmental Engineering Department
Mr. Bill Wright, Assistant Director,
Utilities Department
Mr. Randy Phelps, Principal Engineer,
Utilities Department
Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology
Ms. Beverly Rogers, Planning Administrator,
Planning Department
Firefighter Greg Smith, Fire and Life Safety,
Fire and EMS Department

ASSEMBLY AND WORK SESSION.

Messrs. Brown, Wallin, Patton and Waller and staff assembled at 3:30 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. ELECTION OF OFFICERS FOR 2014.

- **CHAIRMAN.**

Dr. Brown stated the first order of business would be the election of officers for the positions of Chairman and Vice-Chairman to the Planning Commission for 2014.

Nominations for the office of Chairman to the Planning Commission for 2014 were opened.

Mr. Waller nominated Dr. Edgar V. Wallin to serve as Chairman of the Planning Commission.

There were no other nominations; therefore, it was on motion of Mr. Waller seconded by Mr. Patton, the Commission resolved to close the nominations for the office of Chairman of the Planning Commission.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

On motion of Mr. Waller, seconded by Mr. Patton, the Commission resolved to elect Dr. Edgar V. Wallin to serve as Chairman of the Planning Commission until the next annual meeting in January 2015.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

At this time, Dr. Wallin assumed the Chairmanship.

- **VICE – CHAIRMAN.**

Dr. Wallin opened the nominations for the office of Vice-Chairman to the Planning Commission for 2014.

Dr. Brown nominated Mr. Patton to serve as Vice-Chairman of the Planning Commission.

There were no other nominations; therefore, it was on motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to close the nominations for the office of Vice-Chairman of the Planning Commission.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to elect Mr. Dale Patton, to serve as the Vice-Chairman of the Planning Commission until the next annual meeting.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

At this time, Mr. Patton assumed the Vice-Chairmanship.

The Commission recessed briefly to rearrange seating.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions, or changes in the order of presentation.

I. Election of Officers for 2014:

- Chairman
- Vice-Chairman

II. Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation.

III. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.)

IV. Review Day's Agenda. (Any items listed for the 4:00 p.m. and 6:00 p.m. Sessions.)

V. Work Program – Review and Update.

VI. Planning Commission Follow-Up Items List.

VII. (13PJ0125) Comprehensive Plan General Steps Implementation Update-Phase.

VIII. (14PJ0113) Rental Inspection Program.

IX. Recess.

III. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agendas for February, March, April and May 2014.

IV. REVIEW DAY'S AGENDA.

Ms. Jane Peterson presented an overview of, and staff's recommendations for, requests to be considered at the 6:00 p.m. session.

Mr. Turner advised the Commission that two public hearings are scheduled to be heard; a Sub-division Ordinance as it relates to Public Utilities, a Zoning ordinance as it relates to variance criteria and a public input session on the amendments to the Utilities Ordinance.

V. WORK PROGRAM - REVIEW AND UPDATE.

Mr. Turner advised the Commission that the Board approved the code amendments relative to the keeping of chickens in residential districts as a restricted use. They followed the Commission's recommendation to increase the number of chickens from four (4) to six (6) and that the coop is maintained free of litter.

Mr. Turner indicated the Board also adopted the Tower Siting Policy with no changes.

Dr. Wallin thanked all of the case managers that worked on the Tower Siting Policy.

There were no questions or comments on items listed on the work program.

VI. PLANNING COMMISSION FOLLOW-UP ITEMS LIST.

There were no requests to postpone action, emergency additions, or changes in the order of presentation.

VII. (13PJ0125) COMPREHENSIVE PLAN GENERAL STEPS IMPLEMENTATION UPDATE-PHASE 1.

Dr. Pritchard apprised the Commission on the status of Phase 1 items. Seven (7) of the nine (9) items on the list are complete. Of the outstanding items, the Utilities Ordinance is being heard this evening and district meetings will take place in mid-February 2014 on the Revitalization Strategy.

The Phase 2, Ettrick VSU Special Area Plan is on-schedule to be complete by November 2014.

The Bon Air Special Area Plan has begun and the first meeting was held in December 2013. Dr. Pritchard stated Mr. Gecker and Mr. Waller from the Midlothian District were present at that meeting. They provided the team with good feedback and the Bon Air Special Area Plan project is scheduled to be completed by May 2015 which is keeping within the sixteen (16) month timeframe. The staff members on the Bon Air Special Area Plan are the same as those working of the Ettrick Special Area Plan. Planning Department staff is working very hard to adhere to the sixteen (16) month schedule.

Numerous Phase 2 projects are either underway or are scheduled to begin sometime in 2014. The only changes with these projects' scopes pertain to some team leaders changing within Environmental Engineering.

In response to a question by Mr. Waller, Dr. Pritchard stated the dates for the Virginia Storm Water Management Program (VSMP) project are accurate. Mr. Turner advised that Mr. Smedley, with Environmental Engineering, will make his first presentation to the Commission on these topics in March 2014.

In response to a question by Dr. Wallin, Dr. Pritchard advised the Ettrick VSU Special Area Plan is due to be completed by staff in November 2014 and the Bon Air Special Area Plan is due to be completed by staff in May 2015. Once staff has completed the draft plan, it will take approximately another six (6) months to work through the public adoption process with the Commission and Board.

Mr. Waller stated he feels the outreach to the development community engineers concerning the VSMP policy is a proactive step. He suggested Dr. Pritchard take it one step further and invite people to the March 2014 Planning Commission Work Session presentation by sending a memo to the Quarterly Development group.

VIII. (14PJ0113) RENTAL INSPECTION PROGRAM.

Mr. Schlaudt presented an overview on the Rental Housing Maintenance Report to the Commission. He advised the report looked at the past efforts in the county, the Virginia State law and benchmarking involving forty-five (45) jurisdictions, nine (9) of which were in Virginia, thirty-five (35) jurisdictions outside of Virginia and the city of Schenectady, New York.

In 2009, the Board identified forty-two (42) different community areas, plus the community of Ettrick, as areas where rental inspections would be beneficial. In that same year, the Board held a public hearing and decided not to pursue a rental inspection ordinance. The concerns raised by the Board pertained to interior inspections of rental units, the cost of the program and some other concerns as outlined in the memo. Virginia State law is very specific as to what a local jurisdiction can do for a rental property maintenance program. An ordinance has to be adopted and specific rental districts must be designated. The Board did not approve moving forward on the rental inspection program.

Mr. Schlaudt explained in the nine (9) Virginia jurisdictions that do have rental inspections, those occur within a college town or where there were vacation rentals. Of the nineteen (19) different states totaling thirty-six (36) jurisdictions, they fall into two (2) groups. The first group was comprised of twenty-six (26) suburban jurisdictions with 250,000 to 500,000 people that were in a higher income bracket. Within this group, most do not have a rental inspection program. There are three (3) options that can deal with the rental property maintenance issues in the immediate future. The first option could be to identify rental properties; the county could use existing ownership records. The second, option, is an existing program, the Neighborhood Enhancement Program which has been in existence for five (5) years. This wide-net system looks at subdivisions that have indicators of decline; such as a high rate of rentals and property maintenance issues. The program addresses the property maintenance issues at approximately 1700 units per year. The third option is tenants residing in rental properties, whether it's an apartment or a single-family home, renters have the right to file a complaint with the Building Inspections Department if there is a property maintenance issue that's raising a concern.

In response to a question from Mr. Patton, Mr. Schlaudt advised he didn't know if rental inspections were being used for the large number of military personnel that rent in the Fort Lee area.

Mr. Schlaudt advised staff does not recommend any specific rental program that would go into units. Staff is recommending that rental occupancy in neighborhoods be considered an indicator of revitalization.

In response to a question from Dr. Wallin, Mr. Rick Witt with Building Inspection advised his department facilitates the Neighborhood Enhancement Program and can supply the Commission with data on that program.

In response to a question from Dr. Wallin, Mr. Turner advised the Planning Department has gone into neighborhoods and pro-actively enforced Code violations, therefore possibly enhancing real estate values in those specific areas.

In response to a question from Mr. Patton, Mr. Turner stated that going forward; all cases will have specific addresses in all staff reports.

IX. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:24 p.m., agreeing to immediately meet in the Executive Meeting Room for dinner; and reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. INVOCATION.

Dr. Wallin presented the invocation.

II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Mr. Troy Wallin, student at Matoaca Middle School, led the Commission in the Pledge of Allegiance to the Flag.

III. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Kirk Turner apprised the Commission of the caseload agendas for February, March, April and May 2014.

IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to amend the agenda to change the order of discussion by reversing items XI and XII.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

V. APPROVAL OF MINUTES.

- December 17, 2013.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to approve the December 17, 2013 Planning Commission minutes.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

VI. CITIZENS' COMMENT ON UNSCHEDULED MATTERS.

There were no citizens' comments on unscheduled matters.

VII. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VIII. PUBLIC HEARING.

- **DEFERRAL REQUEST BY APPLICANTS – REZONING and CONDITIONAL USE.**

- C. 13SN0132*:** (AMENDED) In Dale Magisterial District, **Chesterfield Business Partners LLC and Kingsland Towncenter LLC** request amendment of conditional use (Cases 06SN0237 and 07SN0226) relative to reduction of cash proffers and amendment of zoning district map in a Community Business (C-3) District on 101 acres fronting the west line of Iron Bridge Road and the north and south lines of Kingsland Glen Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business and Industrial uses. Tax IDs 770-677-6585; 771-676-6355; 771-678-2064; 772-676-1473; and 772-677-3568.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 13SN0132 to the March 18, 2014 Planning Commission public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

The following motion was made at the applicant's request.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to defer Case 13SN0132 to the March 18, 2014 Planning Commission public hearing.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

- H. **14SN0508***:** (AMENDED) In Bermuda Magisterial District, **Centralia Station LLC** requests amendment of zoning (Case 93SN0147) relative to density and access and amendment of zoning district map in Agricultural (A) and Residential (R-7, R-9 and R-12) Districts on 73.3 acres fronting 20 feet on the south line of Centralia Road, 510 feet on the east line of Centralia Station, 600 feet west of Chester Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (1 and 1.5 dwelling per acre or less). Tax ID 786-660-5178.

Mr. Patton declared a conflict of interest and left at 6:10 p.m. He returned at 6:11 p.m.

Ms. Kristen Keatly, the applicant's representative, requested deferral of Case 14SN0508 to the April 15, 2014 Planning Commission public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

The following motion was made at the applicant's request.

On motion of Dr. Wallin, seconded by Mr. Waller, the Commission resolved to defer Case 14SN0508 to the April 15, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Brown, and Waller.

ABSENT: Messrs. Patton and Gulley.

• **DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONERS.**

- A. **13SN0110*:** In Matoaca Magisterial District, **Chesterfield DD, Inc.** requests rezoning from Residential Townhouse (R-TH) to Community Business (C-3) with conditional use to permit multifamily and townhouse residential uses plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 85.4 acres fronting 460 feet on the south line of Hull Street Road, across from Cosby Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Medium-High Density Residential use (minimum 4.0 to 8.0 dwellings per acre), Suburban Residential I use (maximum of 2.0 dwellings per acre) and Neighborhood Business uses. Tax IDs 717-669-2537; and 717-670-1030, 1751, 2877 and 8050.

Mr. Jack Wilson, the applicant's representative accepted deferral of Case 13SN0110 by Dr. Wallin to the March 18, 2014 public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Dr. Wallin's request.

On motion of Dr. Wallin, seconded by Dr. Brown the Commission, on their own motion and with the applicant's consent, resolved to defer Case 13SN0110 to the March 18, 2014 Planning Commission public hearing.

YES: Messrs. Wallin, Patton, Brown, and Waller.
ABSENT: Mr. Gulley.

- B. 13SN0125*:** In Clover Hill Magisterial District, **Viridis Development Corporation** requests amendment of zoning (Case 06SN0127) to eliminate cash proffers and increase density and amendment of zoning district map in a Residential (R-12) District on 22.6 acres lying at the northern terminus of Vickilee Road, the western terminus of Marblethorpe Road, the eastern terminus of North Vickilee Road and Vickilee Court. Residential use of up to 3.63 units per acre is permitted in the Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for Residential use of 2.5 dwellings per acre or less. Tax IDs 746-699-8830; and 747-699-0744, 1248, 1750, 2453, 3040 and 4454.

Ms. Kristen Keatly, the applicant's representative accepted deferral of Case 13SN0125 by Mr. Waller to the February 18, 2014 public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Waller's request.

On motion of Mr. Waller, seconded by Mr. Patton the Commission, on their own motion and with the applicant's consent, resolved to defer Case 13SN0125 to the February 18, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown and Waller.
ABSENT: Mr. Gulley.

- D. 13SN0519*:** In Bermuda Magisterial District, **River's Bend East, LLC** requests amendment of zoning (Case 04SN0197) relative to deletion of cash proffers and amendment of zoning district map in a Residential (R-12) District on 99.3 acres fronting in various locations along Anchor Landing Court, Anchor Landing Drive, Anchor Landing Place, Bluewater Drive, Blue Water Terrace, Channel View Drive, Channel View Terrace, North Enon Church Road, Shallow Cove Drive and Sinker Creek Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Low Density Residential use (maximum of 1.0 dwelling per acre). Tax IDs 822-661-3043, 4694, 4969, 9171 and 9416; 822-662-5422, 7709, 7732 and 8838; 823-660-1465 and 2793; 823-661-0310, 0653, 1195, 2713, 2779, 3490, 5194, 7485, 7597 and 7971; 823-662-0923, 5888, 7911, 8124 and 9432; 824-661-0060, 0183 and 1492; 824-662-0210, 0424, 1480, 2105, 2538, 2663, 2686, 3717, 3991, 4065, 4955, 5678, 6468, 3957, 7345 and 8086; 824-663-2711, 4117, 6027, 7202, 7331 and 8408; 825-660-9979; 825-661-6811; 825-662-6584, 7258, 7891 and 9097; 825-663-0139, 1214 and 7439; 826-661-8420; 826-662-0976, 2377, 3575, 4772, 5664, 5899 and 6770; and 826-663-0301, 1603, 3002 and 4301.

Ms. Kristen Keatly, the applicant's representative, accepted deferral of Case 13SN0519 by Mr. Patton to the March 18, 2014 public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Patton's request.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 13SN0519 to the March 18, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

- G. 14SN0504*:** In Matoaca Magisterial District, **Glen Abbey Partners LLC** requests rezoning from Agricultural (A) to Residential (R-12) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 25.7 acres fronting 375 feet on the north line of Woolridge Road, 620 feet west of Swift Fox Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential I use (maximum of 2.0 dwellings per acre). Tax ID 711-677-1083.

Mr. Andy Scherzer, the applicant's representative, accepted deferral of Case 14SN0504 by Dr. Wallin to the March 18, 2014 public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Dr. Wallin's request.

On motion of Dr. Wallin, seconded by Mr. Waller, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 14SN0504 to the March 18, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

- J. 14SN0517*:** In Clover Hill Magisterial District, **Joni Roberts** requests conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-7) District on .2 acre known as 13304 Farm Crest Court. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential I use (maximum of 2.0 dwellings per acre). Tax ID 731-678-9030.

Ms. Joni Roberts, the applicant, contacted staff and accepted deferral of Case 14SN0517 by Mr. Waller to Thursday, February 20, 2014 at 6:00 p.m. in the Public Meeting Room.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Waller's request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 14SN0517 to February 20, 2014 at 6:00 pm in the public meeting room.

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

- K. **14SN0544***: In Midlothian Magisterial District, **Midlothian Development Partners, LLC** requests amendment of conditional use planned development (Case 07SN0206) relative to development plan, density, timbering and access and amendment of zoning district map in a Residential (R-15) District on 39.2 acres fronting 300 feet on the west line of Old Hundred Road, 465 feet south of Beedon Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential I use (maximum of 2.0 dwellings per acre). Tax ID 714-698-3178.

Staff advised the applicant's representative, Mr. Casey Sowers, accepted in writing deferral of Case 14SN0544 by Mr. Waller to the March 18, 2014 public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Waller's request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 14SN0544 to the March 18, 2014 public hearing.

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

- P. **14SN0547**: In Midlothian Magisterial District, **B B Hunt LLC** requests amendment of conditional use planned development (Case 94SN0138) relative to outdoor uses, setbacks, buffers, hours of operation, density and building sizes and amendment of zoning district map in a Residential (R-9) District on 5 acres located in the southeast quadrant of North Woolridge Road and Charter Colony Parkway. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Medium-High Density Residential use (minimum 4.0 to 8.0 dwellings per acre). Tax ID 726-703-6454.

Ms. Kristen Keatly, the applicant's representative, accepted deferral of Case 14SN0547 by Mr. Waller to the February 18, 2014 public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Waller's request.

On motion of Mr. Waller, seconded by Mr. Patton, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 14SN0547 to the February 18, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

• **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.**

- F. **13SN0536***: In Clover Hill Magisterial District, **Living Word Ministries TRS** requests rezoning from Agricultural (A) to Residential (R-12) and amendment of zoning district map on 29.4 acres fronting in two (2) places for a total of 985 feet on the west line of Courthouse Road, 270 feet south of Smoketree Drive. Residential use of up to 3.63 units per acre is permitted in the Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for Office/Residential Mixed Use and Conservation/Recreation use. Tax IDs 743-700-0200 and 7955.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

Due to the large number of citizens present to address the Commission, the case was moved to the end of the agenda.

- I. **14SN0513***: In Clover Hill Magisterial District, **AEGIS Waterford LLC** requests amendment of conditional use planned development (Cases 89SN0150 and 13SN0105) relative to uses and amendment of zoning district map in a Light Industrial (I-1) District on 9.1 acres fronting 290 feet on the north line of Genito Road, 245 feet east of Charter Colony Parkway, also fronting 640 feet in two (2) places on the west line of Watercove Road, 240 feet north of Genito Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax ID 730-688-2683.

Mr. Michael Rothermel, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Waller, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 14SN0513 subject to the following proffered conditions:

PROFFERED CONDITIONS

1. With the approval of this request, the Textual Statement, last revised December 19, 1988 and approved with Case 89SN0150, shall be amended as outlined below. All other conditions of the Textual Statement, last revised December 19, 1988 shall remain in force and effect:

- a. Item VI.E.4.(a) (Community Business District (B-1) (applicable to tracts designated as C/R on Exhibit II)) shall be amended to include the following additional permitted uses:
- i. Convenience Store
 - ii. Massage Clinics
 - iii. Churches and/or Sunday Schools
 - iv. Meat or seafood markets
 - v. Medical and dental laboratories
 - vi. Motor vehicle accessory store; provided that:
 - 1. No motor vehicle repair shall be permitted
 - 2. No parts shall be installed on the premises
 - vii. Pet shops, including pet grooming
 - viii. Schools-music, dance and business; provided that:
 - 1. Any tenant space shall not exceed 5,000 gross square feet
 - ix. Veterinary clinics
 - x. Carpenter and cabinetmakers' offices and display rooms
 - xi. Contractors' offices and display rooms
 - xii. Electrical, plumbing and heating supply sales, service and related display rooms
 - xiii. Feed, seed and ice sales
 - xiv. Home centers
 - xv. Recreational establishments, commercial-indoor
 - xvi. Restaurants, to include carry-out and fast food
 - xvii. Schools-commercial, trade, vocational and training; provided that:
 - 1. Any tenant space shall not exceed 5,000 gross square feet
 - xviii. Veterinary hospitals and/or commercial kennels, excluding outdoor runs
 - xix. Schools/colleges, public and private; provided that:

1. Any tenant space shall not exceed 5,000 gross square feet
- xx. Schools, business; provided that:

1. Any tenant space shall not exceed 5,000 gross square feet. (P)

The Applicant hereby amends Proffered Condition 4.a. (63) of Case 13SN0165 to read as follows:

2. Secondhand and Consignment Store Limitations:

- a. Secondhand and consignment stores, excluding motor vehicle consignment lots, shall be a permitted use provided that:
 - i. Any tenant space shall not exceed 7,500 gross square feet.
 - ii. No more than one tenant, operating as a secondhand and consignment store, shall be permitted on the request property.

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

- L. **14PD0155*****: In Dale Magisterial District, **Col. Thierry Dupuis** requests substantial accord determination to permit a government office (public safety) and amendment of zoning district map in a Light Industrial (I-1) District on 2 acres known as 7800 Whitepine Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 765-672-4633.

Capt. Brad Badgerow, the applicant's representative, accepted staff's recommendation.

Mr. Waller advised that he supports the case even though there are issues with the process for substantial accord cases.

Dr. Wallin stated he agreed with Mr. Waller's comments regarding the process that substantial accord requires.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 14PD0155.

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

- M. 14SN0542:** In Dale Magisterial District, **W.S. Carnes, Inc.** requests rezoning from Agricultural (A) to Community Business (C-3) and amendment of zoning district map on 2.2 acres fronting in two (2) places for a total of 860 feet on the north line of Iron Bridge Road, 555 feet west of Lori Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Corporate Office use. Tax IDs 769-662-7458 and 770-662-1615, 3320 and 3511.

Mr. Jack Wilson, the applicant's representative accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 14SN0542 subject to the following proffered conditions:

PROFFERED CONDITIONS

The property owner and applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors and assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Utilities. The public water and wastewater systems shall be used. (U)
2. Prohibited Uses. The following uses shall not be permitted on the Property:
 - a. Gasoline Sales
 - b. Automobile self-service station
 - c. Motor vehicle washes
 - d. Automobile service station
 - e. Motor vehicle repair
 - f. Motor vehicle sales and rental. (P)

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

- N. 14SN0545:** In Matoaca Magisterial District, **Sylvia Harrison** requests conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-7) District on .2 acre known as 4407 Butler Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 790-612-2332.

Ms. Sylvia Harrison the applicant, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 14SN0545 with the following proffered conditions:

PROFFERED CONDITIONS

1. Non-Transferable Ownership: This conditional use approval shall be granted to and for Sylvia Harrison, exclusively, and shall not be transferable nor run with the land. (P)
2. Expansion of Use: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. Signage: There shall be no signs permitted to identify this use. (P)
4. Number of Children: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
5. Hours of Operation: Hours and days of operation shall be limited to Monday through Friday from 6 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
6. Time Limitation: This conditional use approval shall be granted for a period not to exceed five (5) years from the date of approval. (P)
7. Fenced Outdoor Play Areas: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height, installed around the equipment or play area. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side or rear property lines. (P)
8. Employees: No employees shall be permitted to work on the premises other than family member employees that live on the premises. (P)

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

- O. **14SN0546*****: In Clover Hill Magisterial District, **Harish Shrimanker** requests conditional use to permit motor vehicle repair plus conditional use planned development to permit travel agency use and amendment of zoning district map in a Community Business (C-3) District on 1.1 acres known as 13732 Hull Street Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business use. Tax ID 728-673-2455.

Ms. Kristen Keatly the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Waller, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 14SN0546 subject to the following proffered condition:

PROFFERED CONDITION

The following restrictions shall apply to motor vehicle repair:

- a. No outside storage shall be permitted. (P)
- b. All repair activities and storage of new or replaced repair materials shall occur inside the building. (P)
- c. The developer shall be responsible for the complete removal and proper disposal of all components of the gasoline storage and delivery system prior to issuance of an occupancy permit. (EE)

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

- Q. 14SN0548:** In Dale Magisterial District, **Sam Callis** requests conditional use to permit a nonprofit civic club and lodge and amendment of zoning district map in an Agricultural (A) District on 5.6 acres known as 6221 Newbys Bridge Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 755-674-5551.

Mr. Barret Lipertz, the applicant's representative, accepted staff's recommendations.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 14SN0548 subject to the following condition and proffered conditions:

CONDITION

Building Size Limitation: The principal building for the nonprofit civic club and lodge shall not exceed 4,800 gross square feet. (P)

PROFFERED CONDITIONS

1. Non-Transferable Ownership: This Conditional Use approval shall be granted exclusively to Al Bartaw, Jr., Chapter 50, Disabled American Veteran, incorporated, and shall not be transferable nor run with the land. (P)
2. Use Permitted: This Conditional Use approval shall be for the operation of a nonprofit civic club and lodge. (P)
3. Hours of Operation: Hours of operation shall be limited to 10:00 a.m. to 12:00 midnight, Monday through Sunday. No deliveries shall be permitted before 9:00 a.m. and after 6:00 p.m. (P)
4. Signage: One (1) sign identifying the Disabled American Veterans Club shall be permitted. The sign shall not exceed twelve (12) square feet in area nor ten (10) feet in height. The sign shall be neither illuminated nor luminous. (P)
5. Outside Storage: No outside storage of materials or equipment associated with this use shall be permitted. (P)
6. Development Standards: Except where those requirements for the Agricultural (A) District are more restrictive, development shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in Emerging Growth District areas. (P)
7. Exterior Painting: Prior to the issuance of a certificate of occupancy for the addition shown on Exhibit A, the metal panel exterior of the existing building and addition shall be painted a neutral color as approved by the Planning Department.
 - a. Any future addition or accessory building with a metal panel exterior shall also be painted the same neutral color, as approved by the Planning Department.
 - b. Any painted metal panels on the building exterior shall be maintained to be free of deterioration such as peeling, graffiti, or a faded appearance. This provision shall include the painted metal panels used for the exterior of any accessory building. (P)

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

- R. **14SN0549**: In Bermuda Magisterial District, **Gina Gusti** requests conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-7) District on .5 acre known as 2954 Brentwood Circle. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential use (2.51 - 4 dwellings per acre). Tax ID 788-683-5627.

Ms. Gina Gusti, the applicant, accepted staff's recommendations.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 14SN0549 subject to the following proffered conditions:

PROFFERED CONDITIONS

1. Non-Transferable Ownership: This conditional use approval shall be granted to and for Gina Gusti, exclusively, and shall not be transferable nor run with the land. (P)
2. Expansion of Use: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. Signage: There shall be no signs permitted to identify this use. (P)
4. Number of Children: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
5. Hours of Operation: Hours and days of operation shall be limited to Monday through Friday from 6 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
6. Time Limitation: This conditional use approval shall be granted for a period not to exceed five (5) years from the date of approval. (P)
7. Fenced Outdoor Play Areas: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height, installed around the equipment or play area. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side or rear property lines. (P)
8. Employees: No employees shall be permitted to work on the premises other than family member employees that live on the premises. (P)

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

- S. 14SN0551:** In Matoaca Magisterial District, **Daniel A. Padgett** requests conditional use to permit a two-family dwelling and amendment of zoning district map in an Agricultural (A) District on 7.9 acres fronting 35 feet on the north line of Duval Road, 470 feet west of Otterdale Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential I use (maximum of 2.0 dwellings per acre). Tax ID 705-677-2459

Mr. and Mrs. Daniel Padgett, the applicants, accept staff's recommendations.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 14SN0551 subject to the following proffered conditions:

PROFFERED CONDITIONS

1. Occupancy of the second dwelling unit shall be limited to: the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption or guardianship, foster children, guests and any domestic servants. (P)
2. For the purpose of providing record notice, within thirty (30) days of approval of this request, a deed restriction shall be recorded setting forth the limitation in Condition 1. The deed book and page number of such restriction and a copy of the restriction as recorded shall be submitted to the Planning Department. (P)

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

- T. **14SN0552*****: In Clover Hill Magisterial District, **360 Toyota LLC and Haley Auto Group** request amendment of conditional use planned development (Case 98SN0176) to permit motor vehicle sales and amendment of zoning district map in a Light Industrial (I-1) District on 14.4 acres fronting 875 feet on the northwest line of Hull Street Road, 700 feet southwest of Memphis Boulevard, also fronting 290 feet on the south line of Memphis Boulevard, 300 feet northwest of Hull Street Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business use. Tax ID 736-680-4762.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendations.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Waller, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 14SN0552 subject to the following proffered conditions:

PROFFERED CONDITIONS

With the approval of this request, the Applicant hereby amends Proffered Condition 14 of Case 98SN0176. Except as modified herein, all other conditions of Case 98SN0176 shall remain in force and effect.

The Applicant amends Proffered Condition #14 to read as follows:

1. In addition to uses permitted within Tract II-B by Case 98SN0198, motor vehicle sales,

including as accessory to sales and rental, service and repair excluding body repair shall be permitted provided that:

- a. All such uses shall be setback a minimum of 100 feet from Tax ID 736-679-0579 so long as such parcel is used for residential purposes;
- b. Storage yards for vehicles awaiting repair, auction, wholesale sales shall be screened from view of Tax ID 736-679-0579 so long as such parcel is used for residential purposes, and from external public roads;
- c. All garage type doors shall be oriented away from, or screened from view of, Tax ID 736-679-0579 so long as such parcel is used for residential purposes, and from external public roads;
- d. There shall be no elevated display of motor vehicles; and,
- e. Except for minimal repairs necessary to allow a vehicle to be moved into the service area, all allowed repair activities and storage of new or replaced repair materials shall occur inside the buildings unless screened from view of Tax ID 736-679-0579 so long as such parcel is used for residential purposes, and from external public roads. (P)

The Applicant hereby offers the following additional proffered conditions:

2. Prior to any site plan approval or within ninety (90) days of a request by the Transportation Department, an access easement, acceptable to the Transportation Department, shall be recorded from Memphis Boulevard to the property identified as Tax ID 736-679-0579. (T)
3. The architectural character of buildings occupied by automobile dealership (motor vehicles sales and service) shall generally comply with the architectural sketch as shown on Exhibit A, prepared by Balzer and Associates, Inc. and dated December 11, 2013. (P)
4. The landscape plan for the subject property shall be approved by the Planning Commission at time of site plan approval. (P)

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSENT: Mr. Gulley.

• **REZONING AND CONDITIONAL USE PLANNED DEVELOPMENT – OTHER.**

- F. **13SN0536***: In Clover Hill Magisterial District, **Living Word Ministries TRS** requests rezoning from Agricultural (A) to Residential (R-12) and amendment of zoning district map on 29.4 acres fronting in two (2) places for a total of 985 feet on the west line of Courthouse Road, 270 feet south of Smoketree Drive. Residential use of up to 3.63 units per acre is permitted in the Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for Office/Residential Mixed Use and Conservation/Recreation use. Tax IDs 743-700-0200 and 7955.

Ms. Darla Orr presented an overview to the Commission.

Mr. Andy Scherzer, the applicant's representative, advised that specific letters were sent to homeowners regarding drainage and that the proffers offered address drainage, well, septic and sanitary concerns from homeowners.

Mr. Donald Boadrasky, voiced opposition to the request, expressing specific concerns regarding drainage and the damage that his yard has experienced as a result of the construction.

Ms. Donna Doyle voiced opposition to the request, expressing concerns about her well water system, drainage runoff, the health of the creek in her yard and how the installation of power lines would negatively impact her property. She inquired if buffers could be provided by the applicant with tree plantings.

Mr. Nick Barden advised he came to the November 2013 meeting but the case had already been deferred. He voiced concerns about the power line easement, how this request will impact his water and sewage, and asked about road improvements and impacts.

Dr. Wallin closed the public hearing.

Mr. Andy Scherzer advised he agrees to a sixty (60) day deferral to help sort out any concerns. He stated the RPA does protect the creek and hydrogeology for this project is addressed with proper drainage and water flow. He suggested the Utility and Health Departments could provide clarity and answers to some of the questions at a community meeting.

Mr. Patton advised that Environmental Engineering can work through the case to make sure the neighbors are happy and he supports a sixty (60) day deferral.

Dr. Brown and Dr. Wallin both support a sixty (60) day deferral and to have a community meeting to satisfy neighbors and sort out concerns.

Mr. Waller expressed the importance of a meeting with the neighborhood within the next thirty (30) days and a follow-up meeting before the end of sixty (60) days and a possible third meeting when Mr. Gulley returns should he deem it appropriate. He asked Ms. Orr to investigate the origin of the \$22,000 sewer connection fee.

Dr. Brown advised he has concerns with Proffer 9 pertaining to restrictive covenants and would like Ms. Orr to convey this to Mr. Gulley.

Ms. Tara McGee advised she can meet with Ms. Orr to clarify the language in the proffers regarding restrictive covenants.

On motion of Mr. Waller, seconded by Mr. Patton, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 13SN0536 to the March 18, 2014 Planning Commission public hearing.

AYES: Messrs: Wallin, Patton, Brown and Waller.

ABSENT: Mr. Gulley.

- E. **13SN0527***: In Dale Magisterial District, **Balzer and Associates** requests rezoning from Residential (R-7) to Community Business (C-3) and amendment of zoning district map on 10.7 acres located in the southwest quadrant of Jessup and Iron Bridge Roads. Density will be controlled by zoning

conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre), Neighborhood Office and, under certain circumstances, Community and Regional Mixed uses. Tax IDs 775-686-5943, 8044, 8720 and 9744; 776-686-1206, 1722 and 1746.

Ms. Darla Orr presented an overview of the case to the Commission comparing and contrasting the proposals and conditions from November 2013 to current day and staff's recommendation for approval.

Mr. Andy Scherzer, the applicant's representative, explained how the applicant has listened to staff, the Commission and citizens regarding what is needed and to satisfy all parties, resulting in adjustments to the proffered conditions. The improvements offered will provide for a better road system in that area in the immediate future while also providing a level D service for roads twenty (20) years in the future, given traffic projections.

Dr. Wallin opened the floor for public hearing.

Mr. John Cogbill, Mr. Kermit Spruill, Mr. Preston Carnes, Ms. Cynthia Barber, Ms. Susan Knapp, Mr. David Winder, Ms. Charlene Hopkins, Mr. Stanley White, Ms. Diane Parker, and Mr. Phil Lohr voiced opposition to the request, expressing concerns specific to the building of a fueling station and a fast food restaurant. Other specific issues raised include increased crime, noise, loitering, littering, decreased home value, environmental issues with storm water and increased traffic. They feel that this project is not appropriate for the site and urge the Commission to deny the proposal.

Mr. Andy Scherzer, the applicant's representative, advised they have proffered many changes to mitigate noise, unsightly drive-thrus and storm water runoff. They are trying to be responsible and respectful developers.

Dr. Wallin closed the public hearing.

Dr. Brown advised that he understands that fast food restaurants and gas stations are not desirable in or near residential neighborhoods. A review of the proffers shows many improvements tied to the development of this property and specifically, the development will bring many improvements to the nearby roads. If the property is not developed and the land remains vacant, the service of the roads will diminished significantly. Dr. Brown supports approval of the case.

Mr. Waller stated he supports the case but feels the orientation of the fueling station and any drive-thru could be improved.

Mr. Patton applauded the citizens for their input and feels their input will result in a quality product for the neighborhood. He advised he supports the case and will work with the applicant to get the best product for the area.

Dr. Wallin advised he supports the case citing the developer has moved toward changes that better serve the neighborhood.

In response to a question from Dr. Wallin, Mr. Jim Banks, with the Transportation Department, advised they did an analysis of the intersection of Jessup and Route 10. Based on the analysis, the intersection will function at a Level of Service D at build-out with twenty (20) year traffic projections and the proffered road improvement.

In response to a question from Dr. Wallin, Mr. Scott Smedley advised from an environmental water quality protection standpoint, Environmental Engineering feels the improvements will protect the Falling Creek head waters.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission on their own motion and with the applicant's consent, resolved to approve Case 13SN0527 subject to the twenty-two (22) proffered conditions and the amendment to not allow hotels.

PROFFERED CONDITIONS

1. Utilities. Public water and wastewater systems shall be used. (U)
2. Timbering. Timber management, for the purpose of enhancing the health and viability of the forest, shall occur under the supervision of a qualified forester, and will only be allowed upon the submission and approval of the appropriate forest management plan to include, but not limited to, erosion control, Chesapeake Bay Act/Wetland Restrictions and the issuance of a land disturbance permit by the Environmental Engineering Department. Any other timbering shall be incorporated into the site development erosion and sediment control plan/narrative as the initial phase of infrastructure construction and will not commence until the issuance of the actual site development land disturbance permit. (EE)
3. Architectural Standards. Architectural treatment of all buildings shall be compatible with Exhibit A, prepared by Balzer and Associates and dated April 8, 2013. Compatibility shall be achieved through use of similar building massing, materials, scale, colors and other architectural features, as determined by the Planning Department at the time of plans review. In addition, all buildings shall be subject to the following:
 - A. Buildings shall incorporate equal four sided architecture such that no building exterior (whether front, side or rear) shall consist of inferior materials or be inferior in quality, appearance or detail to any other exterior of the same building.
 - B. A minimum of eighty percent (80%) of each facade, excluding windows and doors, shall be a mixture of stone and brick masonry. No concrete block shall be permitted.
 - C. Vertical architectural façade features shall be continued a minimum of ten (10) feet in depth from the building facade.
 - D. Each entrance shall be accentuated with architectural features to include, but not limited to, structured overhangs and/or awnings.
 - E. All building mounted lighting shall be compatible with the overall architectural style.
 - F. The color palette shall be limited to neutral and earth-toned colors, unless otherwise approved by the Planning Department at the time of plans review.
 - G. In addition to ordinance requirements for screening mechanical equipment, buildings with a lower grade than Ironbridge and Jessup Roads shall employ means, such as an increase parapet height, to screen mechanical equipment so as not to be visible from these roads.

- H. The fascia panel of any gasoline and other canopies shall be minimized by employing a pitched (A or hipped) roof design using a roof material from the shopping center/principle building. Support columns for any gasoline and other canopies shall include a base and capital and shall incorporate masonry materials compatible with the shopping center/principal building.
 - I. Drive-in windows shall be screened to reduce visibility of the drive-in windows from public streets. This screening shall be accomplished by building design, the use of durable architectural walls or fences constructed of materials and with a design comparable to the principal building, and berms or other land forms. Such screening shall be approved by the Planning Department in conjunction with plan approval.
 - J. Pitched (A or hipped) roofs shall be used on all small buildings, unless an alternate design is approved by the Planning Commission during schematic plan review. (P)
4. Uses. Permitted uses shall be limited as follows:
- A. Permitted uses in all Tracts:
 - 1. Any permitted use in the C-2 District (except as prohibited in 4.C below).
 - 2. Contractors' offices and display rooms.
 - 3. Liquor stores. (Not including privately owned liquor stores.)
 - 4. Motor vehicle washes accessory to gas sales.
 - 5. Recreational establishments, commercial-indoor.
 - 6. Repair services, excluding motor vehicle repair.
 - 7. Restaurants, to include carry-out and fast food.
 - 8. Schools – commercial, trade vocational and training
 - 9. Secondhand and consignment stores, excluding motor vehicle consignment lots, not to exceed 3,000 SF.
 - 10. Veterinary hospitals without outside runs.
 - B. Use limitations by Tract (as identified on Exhibit B prepared by Balzer and Associates, dated October 7, 2013):
 - 1. Convenience store use with gasoline sales shall only be permitted within Tract A.
 - 2. All uses permitted within Tract C shall be limited to those uses permitted by right or with restriction in the Neighborhood Business (C-2) District, unless such uses are prohibited by 4.C.

C. The following uses shall not be permitted:

1. Alternative financial institutions
2. Communications towers, unless the structure is architecturally incorporated into and compatible with the design of a building used for a permitted use
3. Coin laundry
4. Funeral homes
5. Irrigation. An underground automatic irrigation system shall be provided and maintained for the landscaping along Route 10 and Jessup Road. (P)
6. Freestanding Lights. Freestanding parking lot lighting fixtures shall not exceed twenty (20) feet in height. All canopy lighting shall be of a recessed type. (P)
7. Access.
 - A. Direct vehicular access from the property to Ironbridge Road (Route 10) shall be limited to one access. The exact location of this access shall be approved by the Transportation Department. (T)
 - B. Direct vehicular access from the property to Jessup Road shall be limited to one access, generally located towards the western property line. The exact location of this access shall be approved by the Transportation Department. (T)
8. Dedication. Prior to any site plan approval, or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, the following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:
 - A. Sixty (60) feet of right-of-way, on the west side of Route 10, measured from the centerline of that part of Route 10 immediately adjacent to the property; and
 - B. Thirty-five (35) feet of right-of-way, on the south side of Jessup Road, measured from the centerline of that part of Jessup Road immediately adjacent to the property. (T)
9. Screening. A minimum eight (8) foot tall solid fence shall be provided and maintained as generally shown on Exhibit B, prepared by Balzer and Associates and dated May 14, 2013. Such fence shall be constructed at a minimum with 6"X6" posts, 2"X6" rails and 6" trim caps. The Planning Department shall approve the exact design and location of the fence at the time of plans review. (P)
10. Intercom. Intercoms shall be permitted as accessory to permitted uses, provided that such systems are not audible to any adjacent property used for residential purposes and any property located in an A, R, R-TH or R-MF District. (P)
11. Road Improvements. Prior to issuance of an occupancy permit on the property, the following

road improvements shall be provided:

- A. Construction of an additional lane of pavement along the southbound lanes of Route 10 for the entire length of the property frontage;
 - B. Construction of additional pavement along the southbound lanes of Route 10 at the approved access to provide a separate right turn lane;
 - C. Construction of a sidewalk along the entire property frontage to Route 10 and Jessup Road. The exact design and location of this improvement shall be approved by the Transportation Department;
 - D. Construction of additional pavement along Jessup Road to provide a five-lane typical section (i.e. two (2) westbound lanes and three (3) eastbound lanes) at its intersection with Route 10. The exact design of this improvement shall be approved by the Transportation Department;
 - E. Construction of additional pavement along Jessup Road at the approved vehicular access to provide left and right turn lanes;
 - F. Full cost of traffic signal modifications at the Route 10/Jessup Road intersection, as determined by the Transportation Department.
 - G. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)
12. Drainage. No impervious surface runoff from the subject site shall be directed toward the existing pond located to the south. (EE)
13. Storm water. The project storm water management design shall achieve an attenuation of the ten (10) year peak storm from the developed contributing watershed to the pre-development ten (10) year peak storm for the subject property draining generally to the creek along the north property line. In addition, storm water management design shall incorporate to the extent feasible, the use of permeable pavement such as permeable concrete, permeable asphalt or permeable paver systems. (EE)
14. Pedestrian walks and amenities shall be provided and maintained between uses. These pedestrian areas shall:
- A. Be constructed of decorative paving units;
 - B. Include decorative pedestrian style lighting; and,
 - C. Incorporate benches, landscaped areas, plazas, water features, display windows, and other pedestrian elements.

The exact design and location of these pedestrian areas shall be approved by the Planning Department at the time of plans review. (P)

15. A schematic plan shall be approved by the Planning Commission prior to site plan approval when land uses require a building permit involving a land area greater than 2,500 square feet. (P)
16. Except for drugstore use which shall be permitted to operate continuously within a twenty-four (24) hour period, uses shall not be open to the public between 12:00 a.m. and 6:00 a.m. (P)
17. The fuel pump area shall be completely covered by a canopy. Precipitation off the canopy shall not drain into the fueling area. All drainage from the fueling area and the area of tractor trailer offloading of fuel shall drain through an oil/grit separator then to a Storm filter or similar system that is designed to remove petroleum products. (EE)
18. Fuel sales shall only occur during hours that the associated convenience store is open to the public. (P)
19. The gas sales use shall be limited to 12 fueling positions. (P)
20. The gas sales use shall be designed to minimize the visual impact of the fueling areas from Route 10 and Jessup Road such as through the use of decorative fencing, landscaping and orientation of pumps. (P)
21. Dumpsters shall not be serviced between the hours of 7:00 p.m. and 7:00 a.m. (P)
22. No building shall exceed a height of two (2) stories. (P)

AYES: Messrs. Wallin, Patton, Brown and Waller.

ABSENT: Mr. Gulley.

IX. Public Hearings and Public Meetings: Consideration of the following Code Amendments:

- A. Public Hearing. (14PJ0111) Code Amendment Relative to the Required Use of Public Utilities.** An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting sections 17-72 and 17-84 of the Subdivision Ordinance relating to mandatory utility connections. This ordinance would remove requirements relative to mandatory public utility connections from the Subdivision Ordinance.

And

- B. Public Meeting. (14PJ0111) Code Amendment Relative to the Required Use of Public Utilities.** An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting sections 18-1, 18-53, 18-60, 18-61, 18-62, 18-63 and 18-64 of the Utilities Ordinance relating to mandatory utilities connections. This ordinance is to address recommendations of the comprehensive plan relative to the use of public utilities. This amendment would modify public utility connection requirements and extension limitations. The amendments among other things would generally require new subdivisions to connect to the public water system; new subdivisions to connect to the public wastewater system except in the area shown on the comprehensive plan for Residential Agricultural use (South Central area), and an area generally bounded by Swift Creek on the east, Woodpecker Road on south and northwest, Bradley Bridge Road on the west and southwest of a development commonly known

as Branner's Station; nonresidential uses to connect to the public water system except in the area shown on the comprehensive plan for Rural Residential/Agricultural (Western Area) and Residential Agricultural uses (South Central area); nonresidential uses to connect to the public water system if property is within 200 feet of an existing public water line in areas designated for Residential Agricultural uses (South Central area); nonresidential uses to connect to the public wastewater system except in the areas shown on the comprehensive plan for Rural Residential/Agricultural (Western Area) and Residential Agricultural uses (South Central area). In addition, the amendment would limit extension of public utility lines beyond 3000 feet from an existing public line. The amendment also provides for exception processes to connection requirements and extension limitation one of which would increase the processing fee for exception requests to the mandatory connection requirements, excluding exceptions to the 200 foot connection requirements, from \$260 to \$1000; there would not be a processing fee for exception requests to the 200 foot connection requirements.

Mr. Ray Cash presented an overview for the Commission. Mr. Cash advised that the Code Amendments to Chapter 18 do not require a recommendation by the Commission; however as the Chapter 18 and Chapter 17 amendments are related, it may be appropriate that in addition to a recommendation of approval for the Chapter 17 provisions, the Commission forward their support on the Chapter 18 amendments.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the Code Amendments.

There being no one to speak, Dr. Wallin closed the public hearing and public meeting.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of the Code Amendment Relative to the Required Use of Public Utilities as it relates to Chapter 17 and to forward support of approval for the Code Amendment Relative to the Required Use of Public Utilities as it relates to Chapter 18.

AYES: Messrs. Wallin, Patton, Brown and Waller.

ABSENT: Mr. Gulley.

C. Public Hearing. (13PJ0131) Code Amendment Relative to Variance Criteria. An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Section 19-21 of the Zoning Ordinance relating to Board of Zoning Appeals powers and duties. Among other things, this amendment would: (1) no longer require that the demonstrable hardship which a variance is to alleviate be one that approaches confiscation; and (2) provide that the Board of Zoning Appeals not base decisions on the merits of the purpose and intent of the adopted zoning ordinance.

Mr. Ray Cash presented an overview for the Commission.

In response to a question from Dr. Brown, Mr. Cash verified that the phrase "approaches confiscation" was being removed and clarified that other related variance criteria would remain.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the Code Amendment.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to recommend approval of the Code Amendment Relative to Variance Criteria.

AYES: Messrs. Wallin, Patton, Brown and Waller.

ABSENT: Mr. Gulley.

X. CITIZEN COMMENTS ON UNSCHEDULED MATTERS.

Mr. Steve Meadows addressed the Commission relevant to his concerns that Chesterfield is behind in the revitalization process and brought up the 360 Plan. Mr. Meadows expressed his concerns about improvements needed in the area between Walmsley Boulevard. and Route. 360, including sidewalks, cross walks and plantings.

Dr. Brown and Mr. Waller advised they support moving forward with the Route 360 Plan.

XI. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Patton, seconded by Dr. Wallin, that the meeting adjourned at 8:44 p.m. to Tuesday, February 18, 2014 at 3:00: p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

Chairman/Date

Secretary/Date